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OFFICE OF PETITIONS

In re Application of	:	
Keith H.S. Campbell	:	
Application No. 09/600,130	:	DECISION ON PETITION
Filed: 05/14/2001	:	
Attorney Docket No. 105434.105001	:	

This is decision on the petition under 37 CFR 1.181, filed July 28, 2006, to withdraw the holding of abandonment in the above-identified application.

On April 13, 2005, the Office mailed a nonfinal Office action, which set a three month shortened statutory period for reply. In the apparent absence of a timely filed response, the Office mailed a Notice of Abandonment on March 23, 2006.

In the present petition, petitioner asserted that the Office issued the Notice of Abandonment in error because petitioner submitted a timely response, a request for an extension of time for response within the second month, and a certificate of mailing dated September 13, 2005. Petitioner provided the Office a copy of these documents, as well as a return, itemized postcard receipt with a USPTO date-stamp of September 15, 2005.

Unfortunately, the response, the request for an extension of time, and the certificate of mailing dated September 13, 2005, were not located in the official file. Therefore, petitioner is relying on the certificate of mailing as evidence of the timely filing of these documents on September 13, 2005.

Pursuant to Section 711.03(c)(I)(B) of the Manual of Patent Examining Procedure:

Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely

mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application).

In the present petition, petitioner did not provide a statement under 37 CFR 1.8(b)(3), attesting to a personal knowledge of the mailing of the original response on the date indicated on the certificate by the person who signed the certificate (*i.e.*, Stephanie Adams). Additionally, Rebecca J. Kaufman did not explain how she had firsthand knowledge of the previous timely mailing.

Accordingly, the petition to withdraw the holding of abandonment is **dismissed**. Before the Office can withdraw the holding of abandonment, petitioner must submit a request for reconsideration and a statement in compliance with 37 CFR 1.8(b)(3). A request for reconsideration of this decision must be submitted with TWO (2) MONTHS of the mailing date of this decision. Extensions of this time period may be granted under 37 CFR 1.136. The request for reconsideration should include a cover sheet entitled "Renewed Petition Under 37 CFR 1.181." No additional fee is due for filing a renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
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Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.



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